

Application No. 10/823,555
Reply dated August 9, 2005
Response to Office Action dated May 9, 2005

REMARKS

Favorable consideration and allowance are respectfully requested for claims 1-12 and 14-19 in view of the following remarks.

The Examiner is thanked for the careful review and consideration of this case, and the notice that claim 6 is allowed is acknowledged with appreciation.

New claims 17-19 are submitted herewith and are similar to claims 14-16, however claims 17-19 are directed to a plurality of particles. Support for these claims may be found in the specification and the claims as originally filed. For instance, paragraphs [0021]-[0027] teach coated particles of barium sulfate.

The rejection of claims 1-5, 7-12, and 12-16 under 35 U.S.C. § 102(b) as anticipated by WO 01/92157 is respectfully traversed. The '157 publication is the PCT publication of the parent case for the present application. The Office Action erroneously indicates that the limitation of a rotational speed of 2,000 rpm to 8,000 rpm is not supported by the parent application. The published application teaches this range in the penultimate paragraph on page 2. Accordingly, the effective filing date of the claims is the filing of that PCT application on May 26, 2001 and the PCT publication is not available as prior art to the present claims. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 14-16 under 35 U.S.C. § 112, second paragraph, as indefinite is respectfully traversed. The Office Action asserts that the claims are indefinite as to the relationship between barium sulfate and the wetting or dispersing agent.

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A person of ordinary skill in the art would readily understand that the claims cover any particulate, coated BaSO₄ with a wetting agent or a dispersing agent, regardless of any relationship between the barium sulfate and the wetting agent or dispersing agent. The claims would cover particulate BaSO₄ with wetting agent or dispersant either on the surface of the particles, the interior of the particles, or both. Because a person of skill in the art would understand the claims in this way, their scope is readily ascertainable and they are not indefinite. Reconsideration and withdrawal of this rejection are respectfully requested.

The rejection of claims 14-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement is respectfully traversed. In particular, the Office Action asserts that there is no descriptive support in the specification for a particulate, coated barium sulfate "comprising a wetting agent or a dispersing agent".

A review of the specification reveals several paragraphs addressing the addition of a wetting agent or a dispersing agent to barium sulfate. In this respect, paragraphs [0021] - [0026] of the specification are relevant. In particular, the last sentence in paragraph [0024] clearly discloses a "finished product" with a 1 to 3 percent-weight content of the dispersing or wetting agent. Additionally, paragraph [0041] describes a coated barium sulfate comprising 3 percent-weight of dispersing agent in the finished dried product and paragraph [0042] provides certain data related to this dried product. Accordingly, the claimed product is suitably described in the specification and the written description requirement is met. Reconsideration and withdrawal of this rejection are respectfully requested.

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CONCLUSION

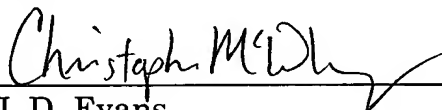
In view of the foregoing, the application is respectfully submitted to be in condition for allowance, and prompt favorable action thereon is earnestly solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #037126.51801C1).

Respectfully submitted,

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